



NATIONAL LABOR RELATIONS BOARD

Region 20

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June 1, 2007

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Re: Covenant Aviation Security, LLC
Case 20-UD-447

Gentlepersons:

On May 9 (all dates refer to 2007) I scheduled a secret-ballot election to begin on June 4 to determine whether bargaining unit employees of the Employer, Covenant Aviation Security, LLC, wish to withdraw the authority of Service Employees International Union, Local 790, under its agreement with Covenant, to require that employees make certain lawful payments to the Union in order to retain their jobs. In addition to setting the date for the election, I directed that the Employer furnish a voter eligibility list so that I could provide it to the other parties at least ten full days in advance of the election. Concerns raised by the Transportation Security Administration (TSA) delayed the Employer from providing that list on a timely basis. As of June 1, I have yet to receive the list, and neither Petitioner nor Local 790 waived its right to have the list prior to the election. Accordingly, I hereby postpone the election that was to begin on June 4.

It now appears, however, that the prerequisites that TSA established for disclosure of the list have been satisfied, and that TSA will soon authorize the Employer to furnish it. In these circumstances, and pursuant to Section 9(e)(1) of the National Labor Relations Act, as amended, and Section 102.85 of the Board's *Rules and Regulations*, Region 20 will conduct an election by secret ballot. For the reasons stated in my May 9 letter on this subject, I have decided to conduct the election by mail. Region 20 will mail a ballot to each eligible employee on June 22. The ballot will be due back in the Regional Office by 5:00 p.m. on July 6. The ballots will be commingled and counted in this office at 10:00 a.m. on July 9.

BOARD EXHIBIT 6

In order to ensure that eligible voters who exercise their statutory right to vote may have opportunity to be informed about related issues, all parties to the election must have access to a list of such voters and their addresses. *Excelsior Underwear, Inc.*, 156 NLRB 1236; *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, I direct the Employer to submit to me by **June 8, 2007**, a clearly legible list that sets forth the names and addresses of all eligible voters. I shall, in turn, make that list available to the other parties to the election. No extension of time to file this list may be granted except in extraordinary circumstances. Failure to comply with this requirement shall provide the ground to set aside the election if a proper objection is timely filed. The Employer should alphabetize the names of the eligible voters, and if at all possible, should also submit mailing labels for use by this office for the employees whom it lists.

The Employer must post the corresponding Notice of Election in a conspicuous place or places that are easily accessible to the employees involved. Pursuant to Section 103.20 of the Board's *Rules and Regulations*, the Employer must post the Notice at least **three (3) full working days** prior to 12:01 a.m. on the day of the election. In this matter, because ballots will be mailed on Friday, June 22, the Employer must post the Notice no later than Monday, June 18, 2007. We shall provide an appropriate number of the Notice of Election to the Employer, with a copy to each other party, well in advance of June 18.

If you have any questions, please contact this Regional Office at the telephone number above.

Very truly yours, _____

s/Joseph P. Norelli

Joseph P. Norelli
Regional Director